

IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF OKLAHOMA

(1) LISA JERNIGAN as Personal Representative )  
of the Estate of LOUISE FRAZIER, deceased, )

Plaintiffs, )

v. )

(1) CLINTON HMA, LLC, d/b/a )  
ALLIANCEHEALTH CLINTON and )  
(2) THOMAS E. CASHERO, M.D., )

Defendants. )

Case No. CIV-18-334-HE

Judge: Joe Heaton

**COMPLAINT**

COME NOW, Lisa Jernigan, as the duly appointed Personal Representative of the Estate of Louse Frazier, deceased, and for her causes of action against Defendants Clinton HMA, LLC, d/b/a AllianceHealth Clinton and Thomas E. Cashero, M.D., allege and state as follows:

**PARTIES AND JURISDICTION**

1. Plaintiff Lisa Jernigan is an individual residing in Potter County, Texas.
2. Defendant Clinton HMA, LLC is an Oklahoma limited liability company doing business as AllianceHealth Clinton in Clinton, Oklahoma.
3. At all times material hereto, Defendant Thomas E. Cashero, M.D., is a physician licensed to practice medicine in the State of Oklahoma, and at all relevant times, practiced medicine in Custer County, Oklahoma.

4. The Court has jurisdiction by diversity. Complete diversity of citizen exists within the purview of 28 U.S.C. § 1332. At all times relevant to this cause of action, the Defendants have had the requisite minimum contacts with the state of Oklahoma, and the amount in controversy in this action exceeds seventy-five thousand dollars (\$75,000.00), exclusive of interest and cost.

#### ALLEGATIONS

5. On or about December 3, 2016, Plaintiff's decedent presented to the Emergency Department at AllianceHealth Clinton for evaluation of a head injury following a fall. Plaintiff's decedent suffered serious, personal injuries and ultimately death as a result of the negligent medical, surgical, and nursing care and treatment which were rendered below the standard of care by Defendants, and by and through each of Defendants' agents, servants, and/or employees. As a result of Defendants' conduct, Plaintiff suffered damages as set forth below.

6. At all times material hereto, Thomas E. Cashero, M.D., was a physician practicing medicine in the State of Oklahoma who represented to Plaintiff's decedent and the public at large that he was a duly licensed, competent medical doctor. At all times pertinent hereto, Thomas E. Cashero, M.D., was under a duty to act with ordinary and reasonable care and to use an accepted level of professional expertise in his practice as a physician in Custer County, Oklahoma, or similar medical community, regarding the treatment of Louise Frazier.

7. To the best of Plaintiff's knowledge and belief, at the time of the injuries giving

rise to this lawsuit, Defendant Thomas E. Cashero, M.D. was the agent, servant, employee, shareholder, and/or borrowed servant of Defendant Clinton HMA, LLC, rendering Defendant Clinton HMA, LLC vicariously liable to Plaintiff for her damages.

8. At all times pertinent hereto, Defendant Clinton HMA, LLC, d/b/a AllianceHealth Clinton, was a medical facility licensed by the Oklahoma State Department of Health and represented to Plaintiff's decedent and to the public at large that it was a competently staffed medical facility and would provide appropriate health care and treatment to Louise Frazier and to the public at large by and through its members, associates, employees, representatives, agents, and/or ostensible agents. Defendant Clinton HMA, LLC, d/b/a AllianceHealth Clinton held itself out as competent to provide various hospital services including those hereinafter described, and expressly or impliedly warrants that persons to whom it has granted privileges and/or allows to perform surgical procedures are fully competent, qualified, and trained to provide the services they offer.

9. At the time of the injuries giving rise to this lawsuit, Thomas E. Cashero, M.D., was privileged, credentialed and otherwise entrusted to care and treat the patients of Defendant, Clinton HMA, LLC, d/b/a AllianceHealth Clinton.

10. Defendants individually, and acting by and through their agents and employees, owed a duty to the Plaintiff's decedent to (a) exercise ordinary care and attention required under all circumstances that was appropriate to the mental and physical condition of Louise Frazier; and (b) to supervise the care rendered to Louise Frazier and ensure that such care was consistent with established and recognized medical practice standards within

the community and minimum professional standards of care as well as the terms and conditions of the consent as presented to the Plaintiff's decedent.

11. Defendants individually, and acting by and through their agents and employees, breached the duties owed Louise Frazier of ordinary care and diligence exercised by reasonably prudent healthcare providers in the same or similar circumstances and were negligent in one or more particulars in connection with the medical, surgical, and nursing care and treatment of Louise Frazier. Such negligent acts and/or omissions of substandard care, taken separately or collectively, constitute a direct and proximate cause of the injuries and damages claimed in this lawsuit.

12. Clinton HMA, LLC was negligent in retaining, supervising, privileging and otherwise entrusting the care and treatment of its patients to Thomas E. Cashero, M.D.

13. Plaintiff's decedent sustained injuries and ultimately died as a result of acts, omissions, or instrumentalities which were under the exclusive control and management of Defendants; that the events causing the injuries and death of Plaintiff's decedent were of a kind which ordinarily do not occur in the absence of negligence on the part of Defendants. As a result of Defendants' conduct, Plaintiff suffered damages as set forth below.

14. As a direct and proximate result of Defendants' negligence, Plaintiff's decedent, Louise Frazier, died on December 5, 2016.

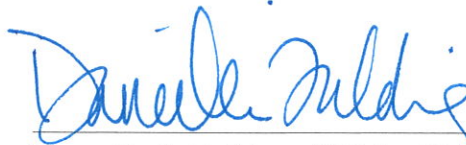
#### DAMAGES

15. Such conduct was undertaken by Defendants without regard to the health and safety consequences to their patients, such as Louise Frazier, entrusted to their care.

Moreover, such conduct evidences such little regard for their duties of care, good faith, and fidelity owed to Louise Frazier as to raise a reasonable belief that the acts and omissions by Defendants set forth above were the result of conscious, willful, malicious, and intentional conduct and/or with a reckless disregard for Louise Frazier's rights and welfare for which Plaintiff seeks exemplary or punitive damages in excess of \$75,000.00.

WHEREFORE, Plaintiff, for her claims, prays for judgment for compensatory damages against Defendants each in an amount in excess of \$75,000.00, plus costs and interest, and for punitive damages against Defendants each in an amount in excess of \$75,000.00, together with attorney fees, costs, interest, and such other damages as the Court deems appropriate.

Respectfully submitted,



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ATTORNEYS LIEN CLAIMED  
JURY TRIAL DEMANDED